

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

PENNY SULKA

v.

EQUIFAX INFORMATION SERVICES,  
LLC, et al.,

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Civil Action No. 4:18-CV-00619-ALM-KPJ  
Judge Mazzant

## **AMENDED MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 1, 2019, the report of the Magistrate Judge (Dkt. #31) was entered containing proposed findings of fact and recommendations that Defendant Capital One Bank (USA), N.A. (“Capital One”) be dismissed pursuant to Plaintiff’s Notice of Voluntary Dismissal (the “Notice”) (Dkt. #30). The Notice represents that Plaintiff seeks to dismiss all claims against Capital One with prejudice and without costs. *See id.*

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that Defendant Capital One is **DISMISSED WITH PREJUDICE** from this lawsuit, with each party to bear its own costs.<sup>1</sup>

Plaintiff's claims against the remaining defendants remain pending at this time.

**IT IS SO ORDERED.**

**SIGNED this 25th day of February, 2019.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE

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1. The original Memorandum Adopting Report and Recommendation of the United States Magistrate Judge dismissed Plaintiff's claims against Defendant Capital One *without* prejudice. However, the Magistrate Judge recommended dismissal *with* prejudice (*See* Dkt. #30; Dkt. #31; Dkt. #32). Pursuant to Federal Rule of Civil Procedure 60(a), the Court enters this Amended Order.